

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

THE STATE OF TEXAS, et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

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Civil Action No. 4:20-CV-957-SDJ

**DEFENDANT GOOGLE LLC’S NOTICE
REGARDING IMPROPER FILINGS BY NON-PARTY**

Defendant Google LLC submits this Notice regarding recent improper filings by non-party Stephen Matthew Avdeef. ECF Nos. 479, 509, 576. Mr. Avdeef is not a party to this action and has, in separate proceedings, been declared a vexatious litigant.

On May 8, 2024, Mr. Avdeef filed a Motion for Sanctions based on allegations of criminal deprivation of rights, ECF. No. 479. The Court referred that Motion to Magistrate Judge Aileen Goodman Durrett for consideration and entry of a report and recommended disposition. ECF No. 486. On May 29, 2024, Mr. Avdeef filed an Amended Motion for Sanctions, ECF No. 509, which the Court also referred to Magistrate Judge Durrett for consideration and entry of a report and recommended disposition, ECF No. 515. On July 22, 2024, Mr. Avdeef filed a Motion for Directed Verdict, ECF No. 576.

Mr. Avdeef is not a party to this action and has never sought to intervene in this action. *See* Fed. R. Civ. P. 24(b) and (c) (permitting intervention only “on timely motion” which “must state the grounds for intervention and be accompanied by a pleading that sets out the claim or defense for which intervention is sought”). Mr. Avdeef’s Motion for Sanctions appears to be

based, in part, on allegations against Google that have been determined to lack basis.¹ In a separate proceeding against a different defendant, Mr. Avdeef has been declared “a vexatious litigant pursuant to Section 11.054(1) . . . of the Texas Civil Practices & Remedies Code,” and, as a result, “prohibited from filing *pro se* any new litigation without first obtaining permission from the local administrative district judge.” Order Granting Defendants’ Motions to Declare Plaintiff a Vexatious Litigant and to Require Security, *Stephen Matthew Avdeef v. CNA Insurance Co., et al.*, Cause No. 0067-293845-17 (Nov. 17, 2017, Dist. Ct. Tarrant Cty). Moreover, Magistrate Judge Durrett has yet to enter her report and recommendation regarding the disposition of Mr. Avdeef’s Motions.

For these reasons, Google does not intend to respond to Mr. Avdeef’s Motions (or any future filings by Mr. Avdeef in this action) unless directed by the Court to do so. Google respectfully requests that the Clerk of the Court remove Mr. Avdeef’s Motions from the docket and decline to docket any further filings by Mr. Avdeef unless authorized by the Court.

¹ In his Motion for Sanctions, Mr. Avdeef alleges that Google “continue[d] to abuse the global publishing industry by still profiteering from the Drummond ‘Fraud Upon The Court’ scam that led to the complete criminal deprivation of Petitioner’s Copyright,” ECF No. 479 ¶ 17; *see also id.* ¶¶ 24, 27. Those allegations were the foundation of a prior lawsuit by Mr. Avdeef against Google which was dismissed on summary judgment. *Avdeef v. Google, Inc.*, No. 4:14-CV-788-A, 2015 WL 5076877 (N.D. Tex. Aug. 26, 2015), *aff’d in part, dismissed in part for lack of jurisdiction*, 678 F. App’x 239 (5th Cir. 2017).

Dated: August 5, 2024

Respectfully submitted,

/s/ Kathy D. Patrick

Kathy D. Patrick
State Bar No. 15581400
KPatrick@gibbsbruns.com
Robin C. Gibbs
Texas Bar No. 07853000
RGibbs@gibbsbruns.com
Ayesha Najam
Texas Bar No. 24046507
ANajam@gibbsbruns.com
Charles M. Rosson
Texas Bar No. 24074985
CRosson@gibbsbruns.com
Ann T. Lebeck
Texas Bar No. 24055840
ALebeck@gibbsbruns.com
Caitlin A. Halpern
Texas Bar No. 24116474
CHalpern@gibbsbruns.com
Michael R. Davis
Texas Bar No. 24109793
MDavis@gibbsbruns.com
Michael D. Doman
Texas Bar No. 24131182
MDoman@gibbsbruns.com
GIBBS & BRUNS LLP
1100 Louisiana, Suite 5300
Houston, Texas 77002
Tel.: (713) 650-8805
Fax: (713) 750-0903

Eric Mahr (*pro hac vice*)
FRESHFIELDS BRUCKHAUS DERINGER US LLP
700 13th Street NW, 10th Floor
Washington, D.C. 20005
(202) 777-4545
eric.mahr@freshfields.com

ATTORNEYS FOR GOOGLE LLC

CERTIFICATE OF SERVICE

I certify that on August 5, 2024, this document was filed electronically in compliance with Local Rule CV-5(a) and served on all counsel who have consented to electronic services, per Local Rule CV-5(a)(3)(A).

/s/ Kathy D. Patrick

Kathy D. Patrick